
FACILITIES IMPLEMENTATION

As discussed in the preface of this Plan, the implementation of the public facilities needs of the University community will be carried out in accordance with the North University City Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) (Financing Plan).

Council Policy 600-28 requires that, in the Planned Urbanizing areas of the City, development approval depends upon adoption of a plan for financing public facilities. To fulfill this requirement, the community's Financing Plan contains a development forecast and analysis, a summary of existing conditions, a Capital Improvement Program (CIP) listing public facility needs and an analysis of proposed and recommended methods of financing.

Facilities Benefit Assessments (FBA) are the method of financing non-subdivided public facility needs as indicated in this Plan and the Financing Plan. The assessment is based upon the costs of public facility needs, and fair and equitable distribution of those costs over the designated area of benefit in North University City. A key factor in the implementation of public facilities is the scheduling of the improvements to ensure the community buildout is supported by required public facilities. A phasing plan, which is part of the Financing Plan, ensures that facilities are provided at their time of need.

In addition to the Council Policy referenced above, Council Policy 600-34 states that it shall be the policy of the City Council to work closely with the MTDB in planning for, and implementing the development of public transit in the San Diego area. More specifically it states that the City shall pursue implementing measures in the areas of planning; right-of-way protection and acquisition; and funding of guideway and facility construction, operation and maintenance. The community plan proposes two major transit improvements, the LRT system and shuttle loop, and states that right-of-way dedications, provision of transit facilities and commitments to assessment districts shall be required as conditions of approval for affected properties.

DEVELOPMENT CONTROLS

Implementation of the community plan proposals requires effective development controls in the form of zoning, subdivision regulations, conditional use permits, planned developments, and deed restrictions.

I. ZONING

Zoning may be defined as the division of the municipality into districts, and the regulation within those districts of: the use of buildings and land for residence, industry, commerce, or other purposes; the density of dwelling units; the height and/or bulk of buildings and other structures; the number of parking spaces required; the area of a lot which may be occupied; and the minimum lot dimensions.

II. SUBDIVISION REGULATIONS

Subdivision regulations govern the process of converting raw land into building sites. The process permits the coordination of many projects and assures the provision is made for the installation of utilities, the reservation or dedication of parks, street rights-of-way, school sites, open space easements, and related matters. The regulations also provide a means for controlling the internal design of each subdivision in terms of grading, lots and streets.

III. CONDITIONAL USE PERMITS

Conditional Use Permits are required for specified uses which are granted only when it has been concluded that:

- A. The proposed use will not adversely affect the neighborhood, the General Plan or the Community Plan and will not be detrimental to the health, safety or general welfare of persons residing or working in the area; and
- B. The proposed use will comply with all the relevant regulations in the Municipal Code.

IV. PLANNED DEVELOPMENT PERMITS

Planned Development Permits which include Planned Residential Developments (PRDS), Planned Commercial Developments (PCDs), and Planned Industrial Developments (PIDs) are intended to encourage imaginative and innovative development, particularly in the clustering of structures and the creation of common open space.

V. DEED RESTRICTIONS

Deed Restrictions are provisions of a deed which limit the use of property. Such restrictions can be especially effective in the University community, where much of the vacant land is owned by and leased from the City of San Diego.

VI. DEVELOPMENT AGREEMENTS

Development Agreements are legally binding contractual documents entered into between a local governmental unit and “any person having a legal or equitable interest in real property” for the development of that property in accordance with the terms and conditions of the “agreement.” In effect, the City agrees not to change its planning or zoning laws applicable to the development for a specified period of time, thereby, guaranteeing the developer a measure of certainty in the form of contractually obtained “vested rights.” Thus, future land use changes affecting the subject property will be made in accordance with the laws in effect when the agreement was entered into rather than when the change occurred. In return, the developer commits, for example, to construct specific improvements, provide public facilities and services, develop according to a specified time schedule or make other commitments which the City might otherwise not have authority to compel a developer to perform.

VII. COMMUNITY PLAN IMPLEMENTATION OVERLAY ZONE (CPIOZ)

The Community Plan Implementation Overlay Zone (CPIOZ) is applied to implement recommendations contained in adopted community plans. It is intended that CPIOZ be applied to properties where the underlying zoning is not capable of implementing the specific recommendations of community plans. Application of the overlay zone is limited to properties which meet one of the following criteria:

- A. The site is identified in the applicable community plan with specific standards, criteria or guidelines for the design of development or for development intensity and the site is identified as an area where specific implementing legislation is necessary; or
- B. The site is identified in the applicable community plan as in area where development in conjunction with a Planned Development Permit is recommended and where the issues to be addressed through the permit process are identified.